

10-30-06

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3768

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97 (c))					Docket No. <b>227/04279</b>	
In Re Application of: <b>Benny PESACH et al.</b>						
Application No.	Filing Date	Examiner	Customer No.	Art Unit	Confirmation No.	
<b>10/519,024</b>	<b>November 30, 2005</b>	<b>WINAKUR, E.F.</b>	<b>44909</b>	<b>3768</b>	<b>3303</b>	
Title: <b>METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY</b>						

Address to:  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

**OR**

☐ the fee set forth in 37 CFR 1.17(p).



<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97 (c))	Docket No. <b>227/04279</b>
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In Re Application of:  
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<b>10/519,024</b>	<b>November 30, 2005</b>	<b>WINAKUR, E.F.</b>	<b>44909</b>	<b>3768</b>	<b>3303</b>

Title:  
**METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY**

**Payment of Fee**  
(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

☐ A check in the amount of \_\_\_\_\_ is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.

☐ Charge the amount of \$00.00

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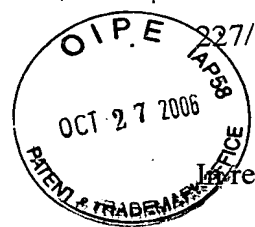
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\*This certificate may only be used if paying by deposit account.

*Paul Fenster*  
**Paul Fenster, Reg. No. 33,877**

**Date: September 19, 2006**

William H. Dippert, Esq.  
Wolf, Block, Schorr & Solis-Cohen LLP  
250 Park Avenue  
New York, New York 10177  
Tel: (212) 986 1116



227/04279

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Benny PESACH et al.

Serial No : 10/519,024

Group Art Unit: 3768

Filed : November 30, 2005

Examiner: WINAKUR, E.F.

For : METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application, U.S. Application No. 10/519,024, is a U.S. national stage of PCT Application No. PCT/IL2003/000533. Applicants hereby submit an Information Disclosure Statement citing art.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06 and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Copies of items 1 – 12, 17-21 are not attached, as the USPTO waived the requirement under 37 CFR 1.98(a)(2)(i) for submitting copies of US patents and US patent application publications in all U.S. applications filed after June 30, 2003. See MPEP 609 III A(2).

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

In accordance with MPEP §609 it is requested that each document cited (including any mentioned in Applicants' specification which is not repeated on the attached PTO-1449 form(s) or equivalents thereof) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Benny PESACH et al.

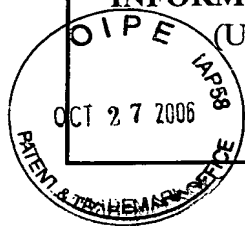
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Paul FENSTER  
Registration No. 33,877

September 19, 2006

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250 Park Avenue  
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Tel: 212-986-1116

**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

ATTY DOCKET NO.  
**227/04279**SERIAL NO.  
**10/519,024**APPLICANT(S)  
**Benny PESACH et al.**FILING  
**November 30, 2005**GROUP  
**3768****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1.	4,223,680	23 Sep '80	JOEBSIS			
	2.	4,281,645	04 Aug '81	JOEBSIS			
	3.	4,385,634	31 May '83	BOWEN			
	4.	4,807,633	28 Feb '89	FRY			
	5.	5,127,409	07 Jul '92	DAIGLE			
	6.	5,161,531	10 Nov '92	PARSONS et al.			
	7.	5,348,002	20 Sep '94	CARO			
	8.	5,497,770	12 Mar '96	MORCOS et al.			
	9.	5,713,356	03 Feb '98	KRUGER			
	10.	5,813,403	29 Sep '98	SOLLER et al.			
	11.	5,840,023	24 Nov '98	ORAEVSKY et al.			

**U.S. PATENT APPLICATION PUBLICATIONS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	12.	2004/054268	18 Mar '04	ESENALIEV et al.			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	13.	WO 02/15776	28 Feb '02	PCT				
	14.	WO 00/62659	26 Oct '00	PCT				

**OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)**

	15.	Larin, K. et al. "Monitoring of Temperature Distribution in Tissues with Optoacoustic Technique in Real Time". Proceedings of the spie, Bellingham, VA, US, Vol. 3916, 25 January 2000, pages 311-321.
	16.	Seip, R. et al. "Noninvasive Estimation of Tissue Temperature Response to Heating Fields Using Diagnostic Ultrasound", IEEE Transaction on Biological Engineering, Vol. 42, No. 8, 01 August 1995. pp 828-839.
EXAMINER		DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Form PTO-A820  
(also form PTO-1449)

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PAGE 1 OF 2



<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	ATTY DOCKET NO. <b>227/04279</b>	SERIAL NO. <b>10/519,024</b>
	APPLICANT(S) <b>Benny PESACH et al.</b>	
	FILING <b>November 30, 2005</b>	GROUP <b>3768</b>

#### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	17.	6,277,082	21 Aug '01	GAMBALE			
	18.	6,309,352	30 Oct '01	ORAEVSKY et al.			
	19.	6,049,728	11 Apr '00	CHOU et al.			

#### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLA SS	SUB- CLASS	Filing date if appropriate
	20.	2002/155615	24 Oct '02	NOVIKOV et al.			
	21.	2004/127777	01 Jul '04	RUCHTI et al.			

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	22.	WO 2005/111634	24 Nov '05	PCT				
	23.	GB 2 322 941	09 Sep '98	GREAT BRITAIN				

#### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

<b>EXAMINER</b>		<b>DATE CONSIDERED</b>
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Form PTO-A820  
(also form PTO-1449)

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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Applicant: Benny Pesach et al.

Serial No: 10/519,024

Filing Date: November 30, 2005

For: Method And Apparatus For Determining Tissue Vitality

Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages);  
(2) Information Disclosure Statement (2 pages);  
(3) IDS Citation (2 pages) w/six (6) cited references;  
(4) Acknowledgement postcard

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